

One-rdg. _____
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Filed: 4-15-16

Sponsored by: Fisk, Ferguson,
Burnett, McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016 - 091

GENERAL ORDINANCE NO. _____

AN ORDINANCE

AMENDING the Springfield City Code, Chapter 10, Alcoholic Beverages, Section 10-62 Exception for general merchandise stores, restaurants, and exempt organizations, to increase and expand the area for certain permitted events; Chapter 78, Offenses and Miscellaneous Provisions, Section 78-4 Possession, sale or consumption of alcoholic beverages in public place, to add exemptions for certain permitted events; amending Chapter 106, Traffic and Vehicles, Section 106-50 Use of right-of-way during Artsfest; and including a sunset provision for December 31, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

NOTE: Added language is underlined, deleted language is ~~stricken~~.

Section 1 – The Springfield City Code, Chapter 10, Alcoholic Beverages, Section 10-62 Exception for general merchandise stores, restaurants, and exempt organizations, Subsection (c) is hereby amended as follows:

Sec. 10-62. Exception for general merchandise stores, restaurants, and exempt organizations.

(c) Upon prior approval of the City Manager, an exempt organization whose premises are located in the area bounded by Mill Street, Jefferson Avenue, Pershing Street and Campbell Avenue may obtain a license for malt liquor containing alcohol not in excess of five percent by weight and light wines containing not in excess of fourteen percent of alcohol by weight by the drink at retail for consumption on the premises where sold.

(1) The exempt organization shall be limited to offering alcohol for consumption during no more than 12 hours per day and for no more than 3 days per week. There shall be no more than nine (9) 5 permitted events per calendar year for the calendar year 2016. Events where intoxicating liquor is consumed shall

34 be limited to those held by the licensed exempt organization or other exempt
35 organization that has leased or rented the premises from the licensee.

36
37 (2) An exempt organization described in subsection (c) or its designee may
38 obtain a picnic or caterers license to provide alcohol not in excess of five
39 percent by weight and light wines containing not in excess of fourteen
40 percent of alcohol by weight by the drink at retail.

41
42 a. For purposes of ~~Section 10-62(c)(ii)~~ subsection (c)(2), "premises" shall
43 be defined as limited to one of the following areas:

44
45 (i) the boundary of the area defined as the "Downtown Mall" in section
46 82-61 of the Springfield City Code, except that the west portion of the
47 mall ~~from along Park Central West from the east right-of-way line of~~
48 Patton Alley ~~to~~ extending to the east right-of-way line of Campbell
49 Avenue shall not be closed and is not included as part of the premises
50 subject to use by the exempt organization or its designee. ("Limited
51 Downtown Mall");

52
53 (ii) the boundary of the area defined as the "Downtown Mall" in section
54 82-61 with the addition of the following right-of-way: extending east from
55 the west right-of-way line of Jefferson and Park Central East, continuing
56 along St. Louis Street to the west right-of-way line of Benton Avenue,
57 and extending west from the east right-of-way line of Campbell Avenue
58 and Park Central West, continuing along College Street to the east right-
59 of-way line of Grant Avenue; and the area including the right-of-way
60 along Jefferson Street from the south right-of-way line of Olive Street to
61 the north right-of-way line of McDaniel Street; ("Route 66 Festival Area");

62
63 (iii) the area including the right-of-way along Jefferson Street from the
64 south right-of-way line of Olive Street to the north right-of-way line of
65 Park Central East/St. Louis Street; and

66
67 (iv) the area including the right-of-way along Walnut Street from the west
68 right-of-way line of National Avenue to the east right-of-way line of
69 Kimbrough Avenue ("Artsfest Area").

70
71 b. For purposes of subsection (c)(2), the number of events per year shall
72 be limited as follows:

73 (i) Limited Downtown Mall Area - no more than six (6) events per year
74 during the calendar year 2016;

75 (ii) Route 66 Festival Area - no more than one (1) event during the
76 calendar year 2016;

77 (iii) Area defined in section 10-62(c)(2)(iii) - no more than one (1) event
78 during the calendar year 2016; and

79 (iv) Artsfest Area - no more than one (1) event during the calendar year
80 2016.

81
82 bc. All other portions of sections 82-61—82-65 shall remain in effect during
83 the time the Mall is closed ~~under Section 10-62(c)(ii)~~ subsection (c)(2).

84
85 ed. During the duration of the event, the prohibition on open containers and
86 public consumption of alcohol as set forth in section 78-4 shall not be in
87 effect within the premises defined in subsection (a) above, subject to
88 rules and regulations established by the city manager. Any person found
89 guilty of violating the rules and regulations for the premises established
90 by the city manager, on file with the city clerk, ~~for the premises~~ shall be
91 punished pursuant to City Code Section 1-7 ~~subject to prosecution under~~
92 ~~section 78-4.~~

93
94 Section 2 - The Springfield City Code, Chapter 78, Offenses and Miscellaneous
95 Provisions, Section 78-4 Possession, sale or consumption of alcoholic beverages in
96 public place, Subsection (c) is hereby amended as follows:

97
98 Sec. 78-4. - Possession, sale or consumption of alcoholic beverages in public place.

99
100 (c) Exception for sidewalk cafes, ~~premises, and~~ commercial trolley bikes within the
101 Downtown Mall, and premises exempted for limited duration pursuant to City
102 Code Subsection 10-62(c) . The provisions of this section shall not apply to
103 areas that are licensed as sidewalk cafes pursuant to section 58-54 or areas
104 that are approved for alcohol sales and consumption pursuant to subsection 10-
105 62(c) or the passenger area of commercial trolley bikes licensed as required by
106 section 106-612. The exception for commercial trolley bikes applies only while a
107 passenger is in or on the trolley bike. No person shall remove an open
108 container of any alcoholic beverage from a commercial trolley bike and
109 transport, carry, possess or have it on a public way or city parking lot. No
110 person shall remove an open container of any alcoholic beverage from a
111 commercial or retail establishment and carry, possess or have it on a public
112 way or city parking lot while on a commercial trolley bike tour.

113
114 Section 3 - The Springfield City Code, Chapter 106, Traffic and Vehicles, Section
115 106-50 Use of right-of-way during Artsfest, Subsection (a) is hereby amended as
116 follows:

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118 Sec. 106-50. - Use of city right-of-way during Artsfest.

119
120 (a) Authority to issue permits. In order to protect the public health, safety and
121 welfare, to promote the economy of the city, and to provide an orderly
122 process for the use of limited city right-of-way, the city council hereby
123 delegates to the Springfield Regional Arts Council the right to license all
124 persons using city rights-of-way during the annual Artsfest within those areas

described in Section 106-49. This delegation of authority shall not extend to the licensing for sale of any alcoholic beverages which may be authorized by Section 10-62(c).

Section 4 – This ordinance shall be in full force and effect from and after passage and shall expire and cease to be in effect at midnight on December 31, 2016. This ordinance may only be revived after that date by passage of a new ordinance setting forth that the provisions of this ordinance are readopted for the time period set forth therein.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Marianne Gander Berke, City Attorney

Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL 2016-091

FILED 4-15-16

ORIGINATING DEPARTMENT: PIO

PURPOSE: Amending the Springfield City Code, Section 10-62, Alcoholic Beverages, and Section 78-4, Sale or Consumption of Alcoholic Beverages, and Section 106-50, Artsfest, to renew the annual request to allow the sale and consumption of alcohol on the public right of way, expanding the “Downtown Mall” boundaries for the Birthplace of Route 66 Festival, designating the “Over the Edge” event as an additional event; and adding Artsfest. The total number of events requested this year: 9. At the conclusion of the year, City staff will review the history of the events and determine what areas to add if we want to continue this process.

BACKGROUND INFORMATION: The Downtown Springfield Association and City of Springfield continues to receive a large number of requests from entities to host events that permit alcohol in the Downtown Mall and at Artfest on Walnut Street.

Festivals celebrating a variety of food, fun and entertainment offerings are becoming a part of what makes Springfield a great place to live. Besides being fun, well-managed festivals and events offer a host of economic and social benefits to communities.

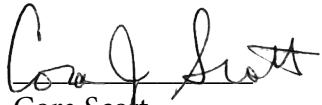
The benefits are similar to those for tourism, in general, which have the opportunity to bring communities together and instill a sense of community pride and knowledge of their history. The economic benefits of festivals are easiest to see and most often cited—festivals attract visitors, which stimulates the growth of tourism and other businesses in a town or region.

The social benefits of festivals are less visible, but they are just as important. Festivals foster community pride and others teach people new things, and strengthen relationships. Residents with community pride are more likely to speak positively about their town to others and to volunteer with organizations and activities that support the common good.

Supports the following Field Guide 2030 goal(s): Chapter 3, Economic Development; Major Goal 7, Continue the development and revitalization of center city Springfield; Chapter 1, Arts, Culture & Tourism; Major Goal 7: Use new and innovative communications to attract and retain engagement in arts and culture; Major Goal 6: Use product development and promotion generated through the travel and tourism industry to increase sales tax revenue and other economic benefits.

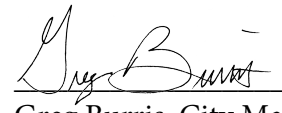
REMARKS: This issue was presented to the Community Involvement Committee on April 7, 2016.

Recommended By:



Cora Scott,
Director of Public Information
and Civic Engagement

Approved By:



Greg Burris, City Manager